

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number and address):

Leonard Carder LLP

Shawn C. Groff (SBN 248022); David Gumbiner (SBN 345973)
 1999 Harrison Street, Suite 2700
 Oakland, CA 94612

TELEPHONE NO.: (510) 272-0169

FAX NO. (Optional): (510) 272-0174

E-MAIL ADDRESS (Optional): sgroff@leonardcarder.com

ATTORNEY FOR (Name): IBEW Local 595; IBEW Local 595 Trust Funds et al.

 ATTORNEY FOR JUDGMENT CREDITOR ASSESSOR OF RECORD**SUPERIOR COURT OF CALIFORNIA, COUNTY OF** US District Court for the

STREET ADDRESS: Northern District of California

MAILING ADDRESS: 450 Golden Gate Ave, Box 36060

CITY AND ZIP CODE: San Francisco, CA 94102

BRANCH NAME: San Francisco Courthouse

PLAINTIFF: Zoom Electric, Inc.

DEFENDANT: IBEW Local 595 (please see attached)

**WRIT
OF**

EXECUTION (Money Judgment)
 POSSESSION OF Personal Property
 Real Property
 SALE

CASE NUMBER:

4:11-cv-1699-CW

1. To the Sheriff or Marshal of the County of: U.S. Marshal of the Northern District of California

You are directed to enforce the judgment described below with daily interest and your costs as provided by law.

2. To any registered process server: You are authorized to serve this writ only in accord with CCP 699.080 or CCP 715.040.**3. (Name):** International Brotherhood of Electrical Workers Local 595 et al. (please see attached)is the judgment creditor assignee of record whose address is shown on this form above the court's name.**4. Judgment debtor (name and last known address):**

B Side, Inc., a California corporation
 1940 Union Street, #9
 Oakland, CA 94607

— — — — —
 — — — — —
 — — — — —

 Additional judgment debtors on next page**5. Judgment entered on (date):**

8/5/15

6. Judgment renewed on (dates):**7. Notice of sale under this writ**

- a. has not been requested.
- b. has been requested (see next page).

8. Joint debtor information on next page.

Issued on (date): August 27, 2024



NOTICE TO PERSON SERVED: SEE NEXT PAGE FOR IMPORTANT INFORMATION.

Clerk
Mark B. Busby

, Deputy

PLAINTIFF: Zoom Electric, Inc.	CASE NUMBER:
DEFENDANT: IBEW Local 595 (please see attached)	4:11-cv-1699-CW

— Items continued from page 1—21. **Additional judgment debtor** (name and last known address):

Zoom Electric, Inc.
2031 28th Avenue
San Francisco, CA 94116

22. **Notice of sale** has been requested by (name and address):23. **Joint debtor** was declared bound by the judgment (CCP 989–994)

a. on (date):

b. name and address of joint debtor:

a. on (date):

b. name and address of joint debtor:

c. additional costs against certain joint debtors (itemize):24. (**Writ of Possession or Writ of Sale**) **Judgment** was entered for the following:a. Possession of real property: The complaint was filed on (date):

(Check (1) or (2)):

- (1) The Prejudgment Claim of Right to Possession was served in compliance with CCP 415.46.
The judgment includes all tenants, subtenants, named claimants, and other occupants of the premises.
- (2) The Prejudgment Claim of Right to Possession was NOT served in compliance with CCP 415.46.

- (a) \$ _____ was the daily rental value on the date the complaint was filed.
(b) The court will hear objections to enforcement of the judgment under CCP 1174.3 on the following dates (specify):

b. Possession of personal property. If delivery cannot be had, then for the value (itemize in 9e) specified in the judgment or supplemental order.c. Sale of personal property.d. Sale of real property.

e. Description of property:

NOTICE TO PERSON SERVED

WRIT OF EXECUTION OR SALE. Your rights and duties are indicated on the accompanying *Notice of Levy* (Form EJ-150).
WRIT OF POSSESSION OF PERSONAL PROPERTY. If the levying officer is not able to take custody of the property, the levying officer will make a demand upon you for the property. If custody is not obtained following demand, the judgment may be enforced as a money judgment for the value of the property specified in the judgment or in a supplemental order.

WRIT OF POSSESSION OF REAL PROPERTY. If the premises are not vacated within five days after the date of service on the occupant or, if service is by posting, within five days after service on you, the levying officer will remove the occupants from the real property and place the judgment creditor in possession of the property. Except for a mobile home, personal property remaining on the premises will be sold or otherwise disposed of in accordance with CCP 1174 unless you or the owner of the property pays the judgment creditor the reasonable cost of storage and takes possession of the personal property not later than 15 days after the time the judgment creditor takes possession of the premises.

► A *Claim of Right to Possession* form accompanies this writ (unless the Summons was served in compliance with CCP 415.46).

ATTACHMENT TO WRIT OF EXECUTION

Zoom Electric, Inc. v. International Brotherhood of Electrical Workers Local 595,
Case No. 4:11-cv-1699-CW

Parties to this action are as follows:

Plaintiff: Zoom Electric, Inc.

Respondent: International Brotherhood of Electrical Workers, Local 595

Counter-Plaintiffs: International Brotherhood of Electrical Workers, Local 595,

IBEW Local 595 Health & Welfare Trust Fund;

IBEW Local 595 Pension Trust Fund;

IBEW Local 595 Money Purchase Pension Trust Fund;

IBEW Local 595 Vacation Fund;

IBEW Local 595 Apprentice & Training Fund;

Electrical Contractors Trust;

Contract Administration Fund;

Labor Management Cooperation Fund;

Alameda County Electrical Industry Service Corporation (“EISC”);

Victor Uno, in his capacity as Trustee of the Trust Funds and Officer of the EISC; and

Don Campbell, in his capacity as Trustee of the Trust Funds and Officer of the EISC

Counter-Defendants: Zoom Electric, Inc.

Veiko Horak d/b/a Zoom Electric

B Side, Inc.

3. Judgment creditors are as follows:

International Brotherhood of Electrical Workers, Local 595

IBEW Local 595 Health & Welfare Trust Fund;

IBEW Local 595 Pension Trust Fund;

IBEW Local 595 Money Purchase Pension Trust Fund;

IBEW Local 595 Vacation Fund;

IBEW Local 595 Apprentice & Training Fund;

Electrical Contractors Trust;

Contract Administration Fund;

Labor Management Cooperation Fund;

Alameda County Electrical Industry Service Corporation (“EISC”);

Victor Uno, in his capacity as Trustee of the Trust Funds and Officer of the EISC;

Don Campbell, in his capacity as Trustee of the Trust Funds and Officer of the EISC

Judgment creditors can be reached at:

Leonard Carder, LLP

1999 Harrison Street, Suite 2700

Oakland, CA 94612

SHAWN C. GROFF (SBN 248022)
DAVID GUMBINER (SBN 345973)
LEONARD CARDER, LLP
1999 Harrison Street, Suite 2700
Oakland, CA 94612
Tel: (510) 272-0169/Fax: (510) 272-0174
sgroff@leonardcarder.com
dgumbiner@leonardcarder.com

Attorneys for Respondent and Counter-Plaintiffs

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

ZOOM ELECTRIC, INC.,

Case No. 4:11-cv-01699-CW

Petitioner,

V.

IBEW Local 595.

Respondent.

**DECLARATION OF DAVID GUMBINER
REGARDING PAYMENTS CREDITED TO
COUNTER-PLAINTIFFS' JUDGMENT
AGAINST COUNTER-DEFENDANTS**

INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, LOCAL 595,
et al.

Counter-Plaintiffs.

ZOOM ELECTRIC, INC. et al.,

Counter-Defendants.

B SIDE, INC., a California Corporation.

Cross-Claimant

VEIKO HORAK d/b/a ZOOM
ELECTRIC

Cross-Defendant

1 I, David Gumbiner, do hereby declare as follows:

2 1. I am an attorney licensed to practice in the State of California and in the United
 3 States District Court for the Northern District of California. I am an associate at Leonard Carder
 4 LLP, counsel of record for Respondent and Counter-Plaintiffs in the above-captioned matter. I
 5 have personal knowledge of the information stated herein and would competently testify thereto.

6 2. On behalf of Counter-Plaintiffs, we obtained a judgment, including fees and costs,
 7 against Counter-Defendant B Side, Inc. and Counter-Defendant Zoom Electric, Inc. in the above-
 8 captioned matter.¹

9 3. On or around September 14, 2015, in the course of collecting on the judgment, my
 10 firm requested a writ of execution for the purpose of executing bank levies. The Court issued the
 11 writ on or around September 14, 2015. At that time, \$24,939.39 had been credited to the judgment
 12 against Counter-Defendants.

13 4. Subsequently, on or around September 21, 2015, my firm filed paperwork with the
 14 United States Marshals Service (“U.S. Marshals”) in this District to execute bank levies.

15 5. After issuing the bank levies, we received the following payments that can be
 16 credited against the judgment against Counter-Defendants:

17 a. On or around October 2, 2015, in response to one of the bank levies, Wells
 18 Fargo issued a cashier’s check in the amount of \$6,208.65, payable to the “US Marshall Civil
 19 Division.” My records indicate we received these funds in our client trust account from the U.S.
 20 Marshals’ office in or around February 2016.

21 b. On or around October 19, 2015, in response to one of the bank levies,
 22 Heritage Bank of Commerce issued a check in the amount of \$4,404.26. This check was originally
 23 made out to an incorrect payee; however, based on our records, the check was corrected in or
 24 around February or March 2016, and received in our client trust account from the U.S. Marshals’
 25 office around that same time.

26
 27 ¹ Counter-Defendant Veiko Horak filed for Chapter 7 bankruptcy on or around January 23, 2013. Counter-Plaintiffs
 28 maintain that Mr. Horak is also liable to Counter-Plaintiffs in this action under the Court’s March 20, 2012 and
 February 8, 2013 Orders to the extent that Mr. Horak’s debts were not discharged in his bankruptcy proceedings and/or
 any discharge is set aside. Counter-Plaintiffs expressly reserve any rights they may have to seek recovery from Mr.
 Horak.

1 c. On or around October 9, 2015, Counter-Defendant B Side, Inc. remitted a
 2 payment to Counter-Plaintiffs in the amount of \$3,703.53. On or around November 6, 2015,
 3 Counter-Defendant B Side, Inc. remitted a payment to Counter-Plaintiffs in the amount of
 4 \$3,703.53. On or around December 9, 2015, Counter-Defendant B Side, Inc. remitted a payment
 5 to Counter-Plaintiffs in the amount of \$3,703.55. These three payments remitted by the Counter-
 6 Defendant B Side, Inc. total \$11,110.61.

7 d. On or around January 29, 2018, my firm requested an updated writ of
 8 execution and filed paperwork with the U.S. Marshals to execute additional bank levies. In
 9 response to the bank levy, my firm's records show that we received funds in the amount of
 10 \$7,007.99 in our client trust account from the U.S. Marshals' office in April 2018.

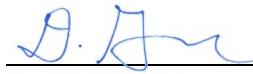
11 e. On or around August 6, 2018, my firm requested an updated writ of
 12 execution and filed paperwork with the U.S. Marshals to execute additional bank levies. In
 13 response to the bank levy, my firm's records show that we received funds in the amount of
 14 \$4,198.78 in our client trust account from the U.S. Marshals' office in October 2018.

15 f. On or around February 15, 2019, my firm requested an updated writ of
 16 execution and filed paperwork with the U.S. Marshals to execute additional bank levies. In
 17 response to the bank levy, my firm's records show that we received funds in the amount of
 18 \$3,135.00 and \$162.82 in our client trust account from the U.S. Marshals' office in May and
 19 October of 2019.

20 6. According to our records, accounting for the above payments to the balance of
 21 Counter-Plaintiffs' judgment, the remaining balance of the judgment against Counter-Defendants
 22 is \$340,684.86. This amount does not include interest, costs of enforcing the judgment, and other
 23 amounts to which Counter-Plaintiffs might be entitled to collect. These amounts continue to
 24 accrue. Counter-Plaintiffs expressly reserve their rights to collect them.

25 I declare under penalty of perjury under the laws of the United States and the State of
 26 California that the foregoing is true and correct to the best of my personal knowledge.
 27 //
 28 //

1 Executed this 23rd day of August, 2024 at Oakland, California.
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David Gumbiner

LEONARD CARDER, LLP
ATTORNEYS
1999 HARRISON STREET, SUITE 2700
OAKLAND, CA 94612
TEL: (510) 272-0169 FAX: (510) 272-0174

1
2 **PROOF OF SERVICE**
3

4 I am employed in the County of Alameda, State of California. I am over the age of 18
 5 years old and not a party to the within action; my business address is 1999 Harrison Street, Suite
 6 2700, Oakland, CA 94612.
 7

8 I hereby certify that I electronically filed the following documents:
 9

10 **DECLARATION OF DAVID GUMBINER REGARDING PAYMENTS CREDITED TO**
 11 **COUNTER-PLAINTIFFS' JUDGMENT AGAINST COUNTER-DEFENDANTS**

12 with the Clerk of the Court for the United States Northern District of California by using the
 13 CM/ECF system on **August 23, 2024**, which will send notice of such filing to:

14 **Benjamin Martin**
 15 LAW OFFICES OF BENNY MARTIN
 16 knowyourrightsinsf@gmail.com

17 **William C. Last, Jr.**
 18 LAST & FAORO
 19 wclast@lastlawfirm.com

20 **Drew F. Henwood**
 21 LAW OFFICES OF DREW HENWOOD
 22 dfhenwood@aol.com

23 **Erik H. Milliken**
 24 eric@ericmilliken.com

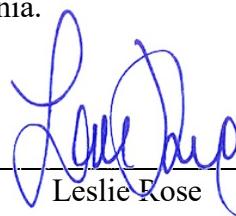
25 I also certify that I served a true and accurate copy of the foregoing document(s) on:

26 **Veiko Horak**
 27 2031 28th Ave.
 28 San Francisco, CA 94116

29 **BY MAIL:** I enclosed the document(s) above in a sealed envelope or package addressed
 30 to the persons at the addresses above. Following ordinary business practices, the envelope
 31 was sealed with postage fully prepaid and placed for collection and mailing on this date,
 32 and would, in the ordinary course of business, be deposited with the United States Postal
 33 Service on this date at Oakland, CA.

34 I declare under the penalty of perjury under the laws of the State of California that the
 35 above is true and correct.

36 Executed on **August 23, 2024** at Oakland, California.



26 _____
 27 Leslie Rose
 28